

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC-JSC

**STIPULATION AND [PROPOSED]
ORDER REGARDING SEARCH STRING
BRIEFING**

By and through their undersigned counsel, the parties hereby stipulate and agree as follows:

1. Whereas, on September 25, the Court issued Pretrial Order 7, which states in relevant part: “On October 16, 2020, the parties shall submit a discovery dispute joint submission that includes no more than 50 of any remaining disputed string searches. The parties are limited to one page of narrative per side per search string. Further, the parties may not attach as exhibits or argue any evidence that was not shared with the opposing party as part of the meet and confer process.”

2. Whereas, the Court informed the Parties at the September 25, 2020 Discovery Conference: “If you get [the Order] and . . . you come up with something else better in the meantime, just submit a stip. . . . don’t hesitate to submit a different stip if it works better.” September 25, 2020, Hr’g Tr. at 37:21-25.

3. Whereas, the Parties agree that submitting a joint brief on October 16, 2020, would be difficult logistically in view of the length and complexity of the anticipated briefing and the short amount of time the parties have to prepare their respective portions.

4. Whereas, Facebook anticipates that (i) the search terms the parties will brief and some of the documents the parties may attach or cite may include confidential Facebook information and (ii) the parties may not have sufficient time in advance of their filings to coordinate on which aspects of their filings require redactions and/or sealing.

THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:

1. On October 16, 2020, Plaintiffs and Facebook will each separately submit their respective briefs addressing any remaining disputed search strings, identified under the process outlined in Pretrial Order 7. Consistent with Pretrial Order 7, the parties hereby agree that they are limited to one page of narrative per side per disputed string, exclusive of the competing proposed strings and respective hit counts which each side may present in their preferred format (e.g., on a separate slip sheet or otherwise). The parties further agree that each side is limited to no more than three pages of introductory narrative. Consistent with the terms of Pretrial Order 7,

the parties may not attach as exhibits or argue any evidence that was not shared with the opposing party as part of the meet and confer process.

2. Each party will temporarily file under seal: (i) its brief regarding search strings, (ii) any documents marked “Confidential” or “Highly Confidential—Attorneys Eyes Only” filed as exhibits; and (iii) any documents including the text of search terms or particular Facebook employees’ job functions filed as exhibits. By October 23, 2020, Facebook will file a motion to permanently seal any portions of the parties’ submissions it determines should remain under seal, or be redacted.

Dated: October 16, 2020

KELLER ROHRBACK LLP

By: /s/ Derek W. Loeser
Derek W. Loeser

Derek W. Loeser (admitted *pro hac vice*)
Lynn Lincoln Sarko (admitted *pro hac vice*)
Gretchen Freeman Cappio (admitted *pro hac vice*)
Cari Campen Laufenberg (admitted *pro hac vice*)
David J. Ko (admitted *pro hac vice*)
Benjamin Gould (SBN 250630)
Adele Daniel (admitted *pro hac vice*)
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Tel.: (206) 623-1900
Fax: (206) 623-3384
dloeser@kellerrohrback.com
lsarko@kellerrohrback.com
gcappio@kellerrohrback.com
clauenberg@kellerrohrback.com
dko@kellerrohrback.com
bgould@kellerrohrback.com
adaniel@kellerrohrback.com

Christopher Springer (SBN 291180)
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Tel.: (805) 456-1496

Respectfully submitted,

BLEICHMAR FONTI & AULD LLP

By: /s/ Lesley E. Weaver
Lesley E. Weaver

Lesley E. Weaver (SBN 191305)
Anne K. Davis (SBN 267909)
Joshua D. Samra (SBN 313050)
Matthew P. Montgomery (SBN 180196)
Angelica M. Ornelas (SBN 285929)
555 12th Street, Suite 1600
Oakland, CA 94607
Tel.: (415) 445-4003
Fax: (415) 445-4020
lweaver@bfalaw.com
adavis@bfalaw.com
jsamra@bfalaw.com
mmontgomery@bfalaw.com
aornelas@bfalaw.com

Fax: (805) 456-1497
cspringer@kellerrohrback.com

Co-Lead Counsel for Plaintiffs

DATED: October 16, 2020

Respectfully submitted,

GIBSON, DUNN & CRUTCHER, LLP

Deborah Stein (SBN 224570)
dstein@gibsondunn.com
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

Kristin A. Linsley (SBN 154148)
klinsley@gibsondunn.com
Martie Kutscher (SBN 302650)
mkutscherclark@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant Facebook, Inc.

By: /s/ Orin Snyder
Orin Snyder (*pro hac vice*)
osnyder@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Telephone: 212.351.4000
Facsimile: 212.351.4035

Joshua S. Lipshutz (SBN 242557)
jlipshutz@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: 202.955.8500
Facsimile: 202.467.0539

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: _____

United States Magistrate Judge Jacqueline Corley

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained.

DATED: October 16, 2020

By: /s/ Orin Snyder
Orin Snyder

CERTIFICATE OF SERVICE

I, Orin Snyder, hereby certify that on September 25, 2020, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

By: /s/ Orin Snyder
Orin Snyder